

**IN THE UNITED STATES COURT OF APPELS
FOR THE DISTRICT OF COLUMBIA**

International Dark-Sky Association,
Inc.,

Appellant,

v.

Federal Communications Commission,

Appellee.

Nos. 22-1337, 23-1001

**MOTION TO INTERVENE OF
SPACE EXPLORATION HOLDINGS, LLC**

Pursuant to 28 U.S.C. § 2348, 47 U.S.C. § 402(e), Federal Rule of Appellate Procedure 15(d), and Circuit Rule 15(b), Space Exploration Holdings, LLC (“SpaceX”) hereby moves for leave to intervene as of right in the above-captioned consolidated appeals (and any appeal that is subsequently consolidated therewith).

In these appeals, Appellants International Dark-Sky Association, Inc. and DISH Network Corp. seek review of the Federal Communications Commission’s Order and Authorization in *In the Matter of Space Exploration Holdings, LLC Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System* (Dec. 1, 2022) (“Order”). The Order grants in part SpaceX’s application to construct, deploy, and operate a constellation of non-geostationary orbit satellites, to be known as its “second-generation” Starlink constellation. *See* Order at 2.

As the applicant and prevailing party before the Commission, SpaceX has a direct interest in defending the Order in this Court. Accordingly, SpaceX is entitled to intervene in this case as of right. *See* 28 U.S.C. § 2348 (“[A]ny party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended, may appear as parties thereto of their own motion and as of right[.]”); 47 U.S.C. § 402(e) (“any interested person may intervene and participate in the proceedings had upon said appeal,” and “[a]ny person who would be aggrieved or whose interest would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party”); *Wold Commc’ns, Inc. v. FCC*, 735 F.2d 1465, 1473 n.20 (D.C. Cir. 1984). This Court granted SpaceX’s motion to intervene in a closely related prior appeal concerning a license modification for a tranche of first-generation Starlink satellites. *See* Order Granting Mot. for Leave to Intervene, *Viasat, Inc. v. FCC*, No. 21-1123 (D.C. Cir. June 29, 2021).

For the foregoing reasons, this Court should grant SpaceX leave to intervene in these appeals as of right.

Respectfully submitted,

/s/Pratik A. Shah

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January 12, 2023

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing contains 332 words and was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman type style, and thus complies with Federal Rule of Appellate Procedure 27(d)(1)-(2).

/s/ Pratik A. Shah
Pratik A. Shah

DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, counsel for SpaceX hereby states that Space Exploration Holdings, LLC is a direct wholly owned subsidiary of Space Exploration Technologies Corp., a privately held Delaware corporation in which the sole shareholder who is the beneficial owner of a 10% or greater interest is Elon Musk, as trustee of a private trust.

/s/ Pratik A. Shah
Pratik A. Shah

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2023, I electronically filed the foregoing with the Clerk of the Court of the U.S. Court of Appeals for the District of Columbia using the appellate CM/ECF system.

/s/ Pratik A. Shah
Pratik A. Shah